

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF)
ADMINISTRATIVE SUBPOENA)
DUCES TECUM SERVED UPON)
MISSOURI BAPTIST MEDICAL) Case No.:
CENTER ON SEPTEMBER 15, 2022)
COMPELLING PRODUCTION OF)
DOCUMENTS AND TANGIBLE)
ITEMS CONCERNING DR. ASIM ALI.)

MOTION TO QUASH OR MODIFY
AND FOR ENTRY OF A PROTECTIVE ORDER
OF MISSOURI BAPTIST MEDICAL CENTER

COMES NOW, Missouri Baptist Medical Center (“MBMC”), by and through the undersigned counsel, Baker Sterchi Cowden & Rice LLC, and for its Motion to Quash or Modify and for Entry of a Protective Order, state as follows:

1. MBMC is a Missouri non-profit corporation and hospital located within in this Judicial District.
2. On September 15, 2022, the U.S. Department of Justice (“government”) served MBMC with an administrative subpoena under 18 U.S.C. § 3486 requesting the records custodian to release HIPAA-regulated information and documents, including patient medical records and other confidential and privileged materials, on September 30, 2022. (See Subpoena, attached hereto as Exhibit A). The investigation target of the subpoena is purportedly Dr. Asim Ali, and not MBMC. MBMC is currently unaware whether the government is pursuing similar requests for information directly from Dr. Asim Ali, or from other third-party entities.
3. On September 29, 2022, the government consented to an extension of time for MBMC to respond to the subpoena, through October 14, 2022, without waiving defenses. (See

Email Correspondence, attached hereto as Exhibit B). Thus, this Motion is timely filed pursuant to agreement of the parties and counsel.

4. MBMC objects to the scope of the subpoena as being vague and overbroad, unduly burdensome, violative of Constitutional guarantees, seeking publicly available information, seeking confidential patient information protected from disclosure under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and privileged information under the Missouri Peer Review Privilege (§ 537.035 RSMo.), and the attorney-client privilege, the insured-insurer privilege, and/or any other applicable privileges and exemptions. (See MBMC's Privilege Log, attached hereto as Exhibit C).

5. MBMC incorporates by reference its contemporaneously filed Memorandum in Support of this Motion as if fully set forth herein. MBMC also submits a Proposed Order granting this Motion. (See Proposed Order, attached hereto as Exhibit D).

WHEREFORE, Missouri Baptist Medical Center prays for this Court to quash or modify the government's subpoena, and for entry of a Protective Order, and for such other and further relief as this Court deems just and proper.

BAKER STERCHI COWDEN & RICE LLC

By: /s/ John F. Mahon, Jr.
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ATTORNEYS FOR MISSOURI BAPTIST
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2022, I electronically filed the foregoing with the CM/ECF electronic filing system, which sent notification of such filing to all counsel of record. I further certify that I signed, or caused my electronic signature to be placed upon, the original of the foregoing document.

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_____/s/ John F. Mahon, Jr.